

# Student Code of Conduct & Grievance Procedures

2009-2010

Finger Lakes Community College

Office of Judicial Affairs  
Office D-356 ■ 585/394-3500, ext. 7554

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*FLCC does not discriminate on the basis of race, color, creed, religion, national origin, sex, age, marital status, sexual orientation, disability, or veteran status in its educational programs, admissions, activities, or employment policies.*

## **INTRODUCTION**

Finger Lakes Community College (FLCC) is a supportive, learning-centered environment that empowers our students, provides enriching life experiences, and enhances the quality of life throughout our community.

To help promote a safe and civil campus environment, Finger Lakes Community College expects each enrolled student to follow the Student Code of Conduct (also referred to as the Student Code or Code). The Student Code of Conduct embraces several important values: the rights of free speech and peaceable assembly; the freedom of inquiry and the right to make constructive criticism; the central importance of honesty to this community; and the desire that all students participate on campus in an environment that respects differences of culture, gender, religion, race, or ability.

Students are expected to abide by the rules of the College and to conduct themselves in accordance with accepted standards of good citizenship, respect, honesty, and decency, and with proper regard for the rights of others. Students must also obey federal, state, and local laws as would any good citizen. The maintenance of harmonious community standards requires that behavior which interferes with or threatens the welfare of others or the College community be prevented. Ignorance of these standards will not be considered a valid excuse or defense. Student participation in any unlawful or other potentially serious violations of College policy may lead to suspension or dismissal from the College.

The Student Code outlines the rights and responsibilities of students, behaviors prohibited on or off campus, possible sanctions, and the procedural rights of students and student organizations. A student attending FLCC agrees to be governed by this Student Code of Conduct, as well as other College policies. All students at FLCC have access to the Student Code of Conduct. Copies of the Code are available online at <http://www.flcc.edu/offices/studentservices/index.cfm> and from the Office of Judicial Affairs (D-356).

Students who have questions about Code of Conduct are encouraged to contact the Director of Judicial Affairs at (585) 394-3500, ext. 7554.

## **STUDENT RIGHTS**

### **I. Freedom to Learn**

In accordance with Federal regulations, the New York State Human Rights Law, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, Finger Lakes Community College has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging discrimination on the basis of age, color, disability, national origin, race, religion, creed, gender, sexual orientation, marital status, or veteran status in its educational programs, activities, admissions, and employment policies. The name of the current Affirmative Action Officer is available from the Human Resources Office. The ultimate criterion for admission shall be the student's ability to benefit from the educational experience.

Neither student nor instructor shall be deprived of the tenets of academic freedom including open discussion and investigation and the College shall be ever conscious of and shall promote the motto of the State University - "To Learn - To Search - To Serve."

Faculty shall evaluate student performance according to current academic guidelines and students shall have the right to challenge a grade or academic treatment in the classroom according to the procedures under "Academic Grievances" in this document.

### **II. Freedom to Participate in the College Community**

Student representatives shall be voting members of the College Governance System and its standing committees, voting members of the Finger Lakes Community College Student Corporation, and voting

members of the Finger Lakes Community College Association, Inc. Students may also form student clubs and organizations, subject to the provisions and approval of the Finger Lakes Community College Student Corporation. Advisors shall serve as consultants for student groups and organizations.

Students shall have the right to assembly and the right to invite speakers and guests and to discuss issues of their choice. Such programs must be sponsored by recognized student groups and be deemed appropriate to a college setting. The College reserves the right to make the final decision regarding appropriateness of such assemblies and any dispute regarding such appropriateness must be referred to the Director of Judicial Affairs. No student gathering or assembly shall physically obstruct the movement of others, deprive others of the opportunity to speak or be heard, represent their views as the views of the College, or disrupt the educational or institutional process in ways which interfere with the freedom of others.

At any event affiliated with the Office of Student Life held on the FLCC campus or FLCC campus centers and which has been promoted to the general public, will require all individuals to provide identification. Individuals not affiliated with FLCC will be asked to sign a guest book after identity has been verified. FLCC students are responsible for the behavior of their guest(s) while on FLCC premises.

### **III. Personal Freedom**

The College shall not act as the arbiter of personal behavior or morals unless the conduct in question violates the rights of others, the Mission of the College, and/or these policies and procedures. Regulation of personal conduct may be necessary to protect the health or safety of others, to fulfill the educational responsibilities of Finger Lakes Community College, or to comply with local, state, or federal laws.

A student's personal property shall not be seized or searched without his/her consent unless such seizing or searching has complied with legal or College requirements. In the case of suspected cheating or a similar violation, for example, the College reserves the right to search for and confiscate materials related to the suspected violation.

Privacy of student records shall be maintained according to the Family Educational Rights and Privacy Act (FERPA) as outlined in the College Catalog.

### **IV. Religious Freedom (with regard to class attendance)**

Finger Lakes Community College complies with New York State law with regard to religious absences. No person shall be expelled from or be refused admissions as a student to Finger Lakes Community College because he/she is unable, because of his/her religious beliefs, to attend classes or to participate in any examination, study, or work requirements on a particular day or days. Persons absent for reasons of religious observance based on a recognized, established religion shall be excused from any examination, study, or work requirements and shall be provided with an equivalent opportunity to make up any examination, study, or work requirements which he/she may have missed because of such absence. For further information, refer to the "Religious Beliefs" section in the College Catalog.

## **Statement of Jurisdiction**

This Student Code of Conduct applies to all students and student organizations of Finger Lakes Community College. The Code of Conduct primarily prohibits misconduct on College premises (buildings or grounds owned, leased, operated, controlled, or supervised by the College). The Conduct Officer, may address and take disciplinary action based on conduct occurring off campus when the behavior or the presence of the individual, in the College's sole judgment, adversely affects the campus community, damages the reputation of the institution, or impairs, obstructs, or interferes with the interests and/or mission, processes, or functions of Finger Lakes Community College.

Students are subject to this Code of Conduct during academic terms for which they are enrolled, during breaks between terms, during College holidays and vacations, and during periods of suspension.

If a student breaks a law that also violates the Code, that student may be held accountable by both civil authorities and the College. The College may, at its sole discretion, elect to pursue disciplinary action against the student at the same time as criminal proceedings, even if criminal charges involving the same incident are not complete, have been dismissed, or were reduced.

## **Standard of Evidence**

The standard of evidence used to determine responsibility is a “preponderance” (“more likely than not”) of evidence. This determination does not require a standard beyond a reasonable doubt.

## **STANDARDS OF CONDUCT – RULES & REGULATIONS**

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined within this document. The severity of the offense, prior disciplinary history, and other relevant circumstances will be considered in determining the appropriate disciplinary action.

More than one sanction may be imposed for a single violation. A single act may constitute a violation of more than one regulation. Being under the influence of drugs or alcohol will not diminish or excuse a violation of the Standards of Conduct.

A student who has been charged with a violation of the Standards of Conduct and who withdraws from the College or stops attending before the judicial process is completed will be required to complete the judicial process upon re-entry to the College.

## **Offenses**

### ***A. Interfering with, Obstructing, or Disrupting a College Function***

College functions, on or off campus, are defined to include teaching, research, administration, disciplinary proceedings, College activities, public safety, and public service functions. This section also includes authorized non-college functions when the act occurs on College premises. Actions that interfere with, obstruct, or disrupt College functions are prohibited. Examples of prohibited behavior include when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk by engaging in fighting or in violent, tumultuous or threatening behavior; making unreasonable noise; disturbing any lawful assembly or meeting; obstructing vehicular or pedestrian traffic; congregating with other persons in a public area and refusing to comply with a lawful request of a College official to disperse; or creating a hazardous or physically offensive condition by any act which serves no legitimate purpose.

### ***B. Academic Dishonesty***

Engaging in forms of academic dishonesty, such as cheating and plagiarism is prohibited. The term “cheating” includes, but is not limited to: 1) use of any unauthorized assistance in taking quizzes, tests, or examinations; 2) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; 3) the acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff; or 4) aiding and/or abetting another student for the purpose of cheating. The term “plagiarism” includes, but is not limited to the use by paraphrase or direct quotation of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

Note: Forms of academic dishonesty will not be tolerated by Finger Lakes Community College. Faculty may impose a mandatory minimum penalty upon a student found to have committed a violation of this policy.

### ***C. Dishonesty***

Intentionally furnishing false information or omitting relevant or necessary information to gain a benefit, to injure, or to defraud is prohibited. Using or possessing false or altered identification (including drivers' licenses and SUNY ID Cards) is prohibited. Examples of prohibited behavior include forgery, alteration, or falsification of any College documents or records, or misrepresentation of College credentials. These include grade transcripts, student identification, computer records, and other official documents. Using a forged or altered document is also prohibited, even if someone else made the changes. Student identification cards are College property and must be shown or surrendered when requested by a College official in performance of his/her duty. The term "College official" means any person hired by the College to work in a faculty, staff, administrative, or security role and any other staff member designated to serve as a College official.

### ***D. Physical or Mental Abuse or Harm to Others***

Intentional or reckless acts that do cause or could cause physical or mental harm to any person are prohibited. Actions that threaten or cause a person to believe that the offender may cause physical or mental harm are also prohibited. Examples of prohibited behavior include murder, assault, battery, stalking, telephone harassment, sexual harassment, threats, intimidation, physical abuse, verbal abuse, racial slurs, and any other conduct which threatens the health or safety of any person.

***E. Sexual Assault.*** Including, but not limited to 1) any intentional and uninvited sexually explicit touching, or attempt or threat of such touching; 2) any engagement in sexual activity with another person without their consent. Note: The act of consent requires spoken words or behavior that indicates, without doubt to either party, a mutual agreement to participate in sexual intercourse or other sexual activities. Indicators of consent do not include silence or past or present sexual relationships. A person is deemed incapable of consenting when that person is mentally defective, mentally incapacitated, physically helpless (whether induced by drugs, alcohol, or otherwise), or asleep. The use of alcohol or other drugs cannot be considered an excuse for rape or sexual assault. Rape or sexual assault can be committed by an acquaintance or stranger.

### ***F. Damage, Loss, Theft, or Unauthorized Use of Property of the College or of any Person or Business***

Intentional or reckless conduct which results in damage (including tampering or defacing), loss, theft, or unauthorized use of property of the College or of any person or business is prohibited. The unauthorized use of College property for personal gain is also prohibited. Students may not use College property for any activity prohibited by federal, state, or local law or these Regulations. Examples of prohibited behavior include gambling on College property, theft, and possession of property known to be stolen.

### ***G. Unlawful Possession of Alcohol and/or Other Drugs***

The use, offer for sale, distribution, possession, manufacture of alcohol and/or any other controlled substance or drug except as expressly permitted by law is prohibited. The use, offer for sale, distribution, possession, or manufacture of chemicals, products or materials for the purpose of use as an intoxicant except as expressly permitted by law is also prohibited. Behavior that may be disruptive, detrimental to the learning environment, and/or damaging to the reputation of the institution which is attributable to the use of alcohol and/or other controlled substances is prohibited. Any student who becomes intoxicated after using alcohol or who after consuming alcohol and/or other controlled substances becomes physically violent, aggressive, or refuses to cooperate with any College staff member who is performing his or her duties, is in violation of this policy. Other examples of prohibited disruptive behavior due to the use of alcohol and/or other controlled substances include attending class under the influence, loss of motor control, destruction of property, providing alcohol to minors, huffing or sniffing glue or paint, and the use of nitrous oxide (whip-its). Possession of drug paraphernalia is also prohibited. Drug paraphernalia as it applies to this section means any equipment, product, or material of any kind that is used in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a

controlled substance. Behavior, either on or off campus, resulting from irresponsible and/or illegal use of alcoholic beverages and/or other drugs is prohibited.

#### ***H. Possession or Use of a Dangerous Weapon***

A dangerous weapon is defined as any instrument, device, or object capable of inflicting physical harm or death and designed or specifically adapted for use as a weapon, or possessed, carried, or used as a weapon. Possession or use of a dangerous weapon is prohibited. Examples of dangerous weapons include firearms, explosive devices, dangerous chemicals, knives, firecrackers, compressed air guns, pellet guns, stun or zip guns, and BB guns.

#### ***I. Discrimination***

Discrimination in College programs on the basis of age, color, disability, national origin, race, religion, creed, sex, sexual orientation, marital status, or veteran status is particularly repugnant to the mission of Finger Lakes Community College. Finger Lakes Community College prohibits the unequal treatment in College programs of a person on the basis of age, color, disability, national origin, race, religion, creed, sex, sexual orientation, marital status, or veteran status.

#### ***J. Hazing***

Coercing another, including the victim, to do any act of initiation into, or as a condition of participation in a student organization, or activity that causes or creates a substantial risk of causing physical or mental harm to any person is prohibited. Examples of prohibited behavior include forced drinking of alcohol, paddling, physical shocks, degrading or humiliating games, physical harassment, branding, public stunts, and forced tattoos.

#### ***K. Violation of Law***

Conduct which violates any federal, state, or local law is prohibited. The College will review any conduct reported by members of the College community, law enforcement personnel, or citizens as being in violation of the law. If in review, the College determines, in its sole judgment, that the alleged conduct interferes with the College's exercise of its mission, processes, or functions, appropriate disciplinary action will be taken.

#### ***L. Failure to Comply***

Failure to comply with any lawful order or directive of any College official acting pursuant to his or her duties is prohibited. The term "College official" means any person hired by the College to work in a faculty, staff, administrative, or security role and any other staff member designated to serve as a College official. Failure to comply with an order of dispersal is prohibited. Other examples of prohibited behavior include failure to produce identification upon request by a Campus Safety Officer or other College official; failure to attend a scheduled Disciplinary Conference upon request by the Conduct Officer or designee; failure to fulfill a sanction(s) imposed by the Conduct Officer or designee, Administrative Hearing officer or designee, or Disciplinary Board; failure to follow through with the crisis response re-entry procedures; failure to exit the College premises during an emergency situation upon request by a College employee; participation in a campus demonstration that disrupts the normal operations of the College and infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities on the College premises; intentional obstruction that reasonably interferes with freedom of movement, either pedestrian or vehicular on the College premises; and incitement to panic or riot or rioting is prohibited.

#### ***M. False Reports***

False alarms or reports of emergency are prohibited. Initiation of any false report, warning, threat of fire, threat of explosion, or other emergencies on College premises or at any College-sponsored activity is also prohibited. Other examples of prohibited behavior include tampering with, impairing, disabling or misusing fire protection systems such as fire detectors, sprinklers, alarms, and extinguishers.

### ***N. Student Computer Use Policy***

Access to computing resources is granted to members of the College community for use in their academic work, with the understanding that such access is a privilege and carries with it certain responsibilities. Users of College computing resources including, the College network agree to adhere to the requirements of the Student Computer Use Policy and Network Usage Policy; to review policies, please visit <http://www.flcc.edu/offices/computingservices/policy.cfm>.

#### Copyright and Peer to Peer File Sharing

The policies above specifically prohibit peer to peer file sharing and use of College resources to violate copyright or other laws. In addition, the College conforms to federal laws requiring it to monitor these abuses. They also detail specific penalties for the users, including fines and jail time. Violators of the Digital Millennium Copyright Act (DMCA) who have illegally shared copyrighted files are subject to civil penalties of between \$750 and \$150,000 per song. As of 2008, past pre-litigation settlements offered by copyright owners such as the Recording Industry Association of America (RIAA) have ranged from \$3,000 to \$4,000 and up. Additionally, a court may, in its discretion, grant the copyright owner reasonable attorney fees.

In accordance with the DMCA, College policy also forbids the unauthorized copying, distribution, downloading, and uploading of copyrighted materials on any device utilizing the College network or computing resources. These materials include, but are not limited to, text (including e-mails and web information), graphics, art, photographs, music, film and software.

Additional examples of prohibited behavior include:

- Violation of software copyrights, license agreements, or trade secrets;
- Unauthorized copying of computer software that is owned or licensed to the College
- Unauthorized transfer of a file;
- Use of computing resources to interfere with the work of another student, faculty member of College official;
- Unauthorized entry into a file to use, read, or change the contents, or for any other purpose;
- Unauthorized access to, use of, or control of computing resources including circumvention of computing system safeguards
- Unauthorized use of another individuals' identification or password,
- Use of computing resources to interfere with normal operation of the college computing system or education process;
- Use of computing facilities to send and/or receive obscene, pornographic or abusive messages/materials;
- Willful introduction of a virus or other destructive program into the College computing environment;
- Activities for personal financial gain except as provided for by other College policy.

Violations of these regulations may result in the loss of network access privileges in addition to judicial sanctions as prescribed by the Student Code of Conduct Policy (including, but not limited to, disciplinary probation, suspension, disciplinary dismissal from the College).

### ***O. Disorderly Conduct***

Conduct which is disorderly, lewd, or indecent or which breaches the peace (e.g., causes alarm, annoyance, or nuisance) is prohibited.

### ***P. Loitering***

Students are responsible for the behavior of their surrogates (friends, family members) while on College premises. The College may interpret a surrogate's disruptive behavior as the student's violation of the Standards of Conduct. Relative to loitering, it should be noted that other regulations require students to

present identification cards upon request of a College official and require prior written permission from the AVP of Student Affairs for solicitations or selling on campus.

***Q. Complicity***

Conspiracy to commit, solicitation of another to commit, aiding and/or abetting the commission of, or attempting to commit any conduct which is proscribed under the Student Conduct Regulations is prohibited.

***R. Violation of Sanctions***

A violation of any terms of disciplinary restrictions, contract for voluntary College service, probation, or suspension is prohibited.

***S. Violation of College Policies***

Students are expected to follow all College policies, procedures, and regulations. Failure to follow College policies, procedures, or regulations is prohibited. Such policies, procedures, and regulations include, but are not limited to:

1. Alcohol Policy;
2. Children on Campus Policy;
3. Facility Use Policy;
4. Parking and Traffic Regulations;
5. Signs, Posters and Banners, and Political Canvassing Procedures;
6. Smoking Policy;
7. Solicitation Regulations;
8. Student Computer Use Policy
9. Student Trip Policy;
10. Recreational Sports Rules and Regulations;
11. Vendor Policy;
12. Vehicle Use Policy.

***T. Unauthorized Use of Access Devices***

The unauthorized use, distribution, duplication, or possession of any access device including key(s) issued for any College building, laboratory, facility, or room is prohibited.

**Sanctions**

The determination of whether the accused student is found responsible of the offense shall be made on the basis of whether or not there is evidence which supports the finding of a violation, indicating that it is “more likely than not” that the accused student violated the Student Code of Conduct. Disciplinary sanctions shall be communicated to students in writing. Letters of suspension, dismissal, and permanent transcript notation are maintained, with corresponding judicial case files, permanently. All other sanctioning letters and case files are maintained as confidential records for seven years after the date of last attendance and thereafter destroyed.

The severity of the offense, prior disciplinary history, and other relevant circumstances will be considered in determining the appropriate disciplinary action. A student who is found to have committed an offense may be suspended or dismissed for a single violation. Sanctions may be imposed singly or in combination on individuals or student organizations. Disciplinary action by the College does not preclude the possibility that a separate criminal prosecution or civil action may also be taken; in addition, unlawful conduct off campus may be grounds for College disciplinary action. Student organizations in violation of the Student Code are subject to equivalent sanctions. A student found to have violated any regulation will be subject to sanctions ranging from written warning to dismissal. The various sanctions are defined as follows:

### ***A. Written Warning***

Written warning is an official notification that the behavior of the student or student organization has been unacceptable. Written warnings will be placed in the student's or student organization's official disciplinary file.

### ***B. Penalties for Academic Dishonesty***

Evidence of cheating or plagiarism may result in the assignment of a failing grade by the faculty member in whose course the offense has taken place. This may include a failing grade on the test or assignment wherein the cheating or plagiarism has taken place or a failing grade for the entire course. The assignment of an "F" is at the discretion of the faculty member in whose course the offense has taken place. A student may not withdraw from a course when an "F" has been assigned due to academic dishonesty. In addition, at the faculty member's prerogative, a complaint may be filed with the Director of Judicial Affairs charging the student with *Academic Dishonesty*, which may result in stronger sanctions under the Student Code of Conduct Policy.

### ***C. Penalties for Alcohol and Other Drug Violations***

First Offense - may include the following sanctions or other appropriate sanction(s) as determined: written warning, educational assignment, temporary loss of privileges, disciplinary restriction, and/or a referral for an alcohol and/or drug evaluation. Registration for subsequent semesters will be withheld until the student complies with the sanction(s) imposed. If a student fails to comply with the sanction and the student is under the age of 21, the student's parent(s) will be notified.

Second Offense – In addition to a \$25 program fee and parental notification if the student is under the age of 21, the minimum penalty for a second offense requires the student to complete an online self-assessment. Based on the results of the self-assessment, the student may be referred to the Director of Student Health Services to discuss his/her assessment and/or complete an evaluation with a substance abuse counselor through Turnings in Canandaigua or another agency. The student must also comply with the recommendations set forth in the evaluation. The student will be held responsible for any fees associated with the evaluation and/or services above and beyond the \$25 program fee. Registration for subsequent semesters will be withheld until the student complies with the sanction(s) imposed.

Third Offense - If a student is under the age of 21, the student's parent(s) will be notified. Suspension or dismissal from the College is a potential sanction.

If a student is suspended as a result of alcohol and/or other drug violations and subsequently returns to FLCC another violation of the alcohol and other drug regulation may result in dismissal from the College. For very serious or multiple violations of the Student Conduct Regulations, additional penalties may be warranted and imposed in accordance with normal College disciplinary procedures.

### ***D. Disciplinary Restrictions***

Disciplinary restrictions may be imposed with or without suspension or probation. Disciplinary restrictions include but are not limited to:

1. restrictions from participating in intercollegiate athletics and extra-curricular activities;
2. restrictions in the right of access to campus facilities;
3. monetary payments for purpose of restitution or to cover the expense of educational sanctions;
4. no contact/restraining orders;
5. denial of financial assistance from programs funded by the College;
6. required attendance at educational/assessment programs such as anger management workshops and comprehensive substance abuse assessments;
7. administrative hold on access to specified College documents
8. loss of on campus employment opportunities, including but not limited to, student aide and resident assistant positions.

### ***E. Voluntary College Service***

Students may be provided the option of voluntary service in lieu of another sanction. Voluntary service sanctions include, but are not limited to, writing a letter of apology, participating in a designated service project, or giving an identified community (on or off campus) a number of service hours to be completed within a specified time period.

### ***F. Disciplinary Probation***

Disciplinary probation indicates to a student that his or her behavior has resulted in a sanction close to suspension. It is imposed for a definite period of time, it includes the probability of more severe conduct sanctions if the student is found to be violating or to have violated any offenses of the Student Code of Conduct during the probationary period, and may include disciplinary restrictions. A student on probation may be required to meet periodically with a person designated by the Director of Judicial Affairs.

### ***G. Suspension***

Suspension prohibits the student from attending FLCC for the duration of the suspension, which shall not exceed a period of more than five calendar years following its effective date. While on suspension, the student is denied access to FLCC premises and all College or student organization sponsored activity. The AVP of Student Affairs, Director of Judicial Affairs or designee will determine the effective date of the suspension. If required by the suspension, a student who has been suspended must petition for re-enrollment through the Office of the AVP of Student Affairs

### ***H. Disciplinary Dismissal***

Disciplinary Dismissal prohibits the student from ever attending Finger Lakes Community College. A student may not be readmitted to the College after dismissal. Notice of dismissal is kept permanently in the student's official College record maintained in the Registrar's Office.

### ***I. Permanent Transcript Notation***

Hazing and other serious violations of the Student Conduct Regulations, especially conduct which leads to death or serious physical injury to another person, may result in a permanent transcript notation. A permanent transcript notation will appear on a student's official academic transcript as a grade of AW (administrative withdrawal for disciplinary reasons) for the semester in which the sanction is imposed.

### ***J. Interim Suspension***

The Director of Judicial Affairs or designee may summarily suspend a student and/or student organization; prohibit the same from any or all appropriate portions of College premises, College-related activities, or registered student organization activities; and/or permit the student or student organization to remain only under specified conditions for the interim period prior to a disciplinary hearing. An interim suspension will be imposed whenever the Director of Judicial Affairs or designee determines that the continued presence of the student on the College campus poses a significant risk of substantial harm to the health and/or safety of the student, other students, other members of the College community, to the stability or continuance of normal College functions, or to property.

The Director of Judicial Affairs or designee may suspend a student for an interim period pending disciplinary proceedings or medical/mental health evaluation. The interim suspension will become effective immediately without prior notice. Interim suspension may be imposed only:

- a. to ensure the safety and well-being of members of the College community or preservation of College property;
- b. to ensure the student's own physical or emotional safety and well-being;
- c. if the student poses a significant threat of disruption of or interference with the normal operations of the College.

A student subject to an interim suspension will be given written notice of the suspension and will be given a

copy of these standards and procedures. The student will be given an opportunity to appear personally before the Director of Judicial Affairs or designee within two business days from the effective date of the interim suspension, in order to review the following issues only:

1. the reliability of the information concerning the student's conduct;
2. whether or not the conduct and surrounding circumstances reasonably indicate a significant risk as described above;
3. whether the risk posed by the student is the result of a medical or mental health condition or disability.

If the risk posed by the student is the result of a medical or mental health condition or disability, the Director of Judicial Affairs or designee shall also determine whether the risk can be eliminated or sufficiently reduced through reasonable accommodation and, if so, shall take appropriate steps to ensure that accommodation is provided. The Director of Judicial Affairs or designee may request that the student submit to medical or mental health examination(s) to determine whether any such condition exists and whether reasonable accommodation is possible. If the student fails to submit to examination and the available evidence establishes that the student's presence poses a significant risk of substantial harm to the health and/or safety of the student, other students, other members of the College community, to the stability or continuance of normal College functions or property, the Director of Judicial Affairs or designee may proceed with the interim suspension.

## **JUDICIAL PROCEDURES**

### **Filing a Complaint**

Any person (a Complainant) may file a complaint under the Code of Conduct, alleging a violation of the standards of conduct by a student. The complaint must be in writing with the complainant's name attached to it and delivered to the Director of Judicial Affairs; anonymous complaints will not be taken forward. Upon receipt of a complaint, the Director of Judicial Affairs (or designee) will evaluate whether the complaint should be dismissed or whether an investigation is necessary.

### **Disciplinary Conference**

The purpose of the Disciplinary Conference is to review the alleged offense(s), provide an explanation of the disciplinary process, discuss the student's or student organization's options, and advise the student or student organization of the potential sanction(s) for the alleged violation(s). The accused student or an authorized student representative of the student organization shall attend the Disciplinary Conference. The Disciplinary Conference will be conducted in private with the Conduct Officer and involved student only. The Disciplinary Conference will be tape recorded for transcription purposes. The accused student or student organization will have the opportunity to review the transcription to ensure accuracy of statements.

The Director of Judicial Affairs or designee shall determine whether the alleged violation(s) may result in suspension, dismissal, and/or a permanent transcript notation and so advise the student or student organization in writing and during the Disciplinary Conference. The Conduct Officer shall determine whether the alleged violation(s) can be resolved by mutual consent of the involved parties (that is, complainant and accused). If an accused student or student organization (through an authorized student representative) fails to schedule or appear at the Disciplinary Conference following proper written notification, a hearing may be scheduled. Disciplinary Conferences may be rescheduled at the discretion of the Conduct Officer.

Upon completion of the Disciplinary Conference, the student or student organization shall notify the Conduct Officer in writing by signing a resolution form whether the student or student organization:

1. accepts responsibility for the offense(s) and agrees to accept the imposition of sanction(s) by the Conduct Officer or designee; or
2. requests to appeal the disciplinary decision to the Associate Vice President of Student Affairs; or

3. requests to appeal the disciplinary decision before the Disciplinary Board when suspension, dismissal, and/or a permanent transcript notation is a potential or imposed sanction. That is, when suspension, dismissal, and/or a permanent transcript notation is a potential sanction, the student or student organization does not have the option of requesting an administrative hearing before the Associate Vice President of Student Affairs or designee; the student or student organization will appear before the Disciplinary Board if a hearing is requested.

If the accused student or student organization fails to timely notify the Conduct Officer of the option selected, the decision of and sanction imposed by the Conduct Officer will be upheld.

## **Appeal Procedures**

### **Grounds for Appeals**

The appeal will be considered if it includes at least one of the following:

1. The student demonstrates that there was a procedural defect in the adjudication of the case.
2. The student demonstrates that the sanction(s) imposed was inappropriate for the violation of the Student Code that the student committed.
3. The student brings forth new evidence or other relevant facts that were not brought forward at the time of the Disciplinary Conference because they were not known to the student at the time of the conference.

### **Appeal Process for Offenses not resulting in Suspension, Dismissal, and/or a Permanent Transcript Notation**

A decision and/or a sanction not resulting in Suspension, Dismissal, and/or a Permanent Transcript Notation may be appealed to the Associate Vice President of Student Affairs. The appeal must be in writing via the resolution form and must be delivered to the Director of Judicial Affairs, Conduct Officer, or designee within five College business days from the date of the Disciplinary Conference finding letter.

1. During the period of appeal, all sanctions will be postponed.
2. The Associate Vice President of Student Affairs will review the appeal.
3. The appeal process will consist of a review of the records of the Disciplinary Conference and the supporting documents as well as the student meeting with the Associate Vice President of Student Affairs.
4. The student will be notified in writing of the Associate Vice President of Student Affairs' decision.
5. If the appeal is denied, the original sanctions imposed may be upheld or reduced, but may not be increased.
6. Students are limited to one appeal for each Disciplinary Conference.
7. The Associate Vice President of Student Affairs' decision is final.

### **Appeal Process for Offenses resulting in sanctions involving Suspension, Dismissal, and/or Permanent Transcript Notation**

A decision and/or a sanction involving Suspension, Dismissal and/or Permanent Transcript Notation may be appealed to the Disciplinary Board. The College Disciplinary Board is composed of three faculty members (appointed by the Teaching Faculty Alliance with one representative for each academic department) and two matriculated students (appointed by the Director of Student Life) who have each completed a minimum of 24 credits at Finger Lakes Community College and are in good academic standing. The chair of the Disciplinary Board will be a member of the faculty.

1. During the period of appeal, all sanctions will be postponed.
2. The appeal must be in writing and delivered to the Director of Judicial Affairs (or designee) within five College business days from the date of the Disciplinary Conference finding letter.
3. In the cases in which the accused student or student organization is entitled to and has timely requested a hearing before the Disciplinary Board, the Director of Judicial Affairs shall schedule the hearing.

4. The hearing shall commence not sooner than three College business days after the request for a hearing.
5. The accused shall have the right to file with the Disciplinary Board a written response to the charge(s). Any answer must be filed and a copy delivered to the Director of Judicial Affairs at least 24 hours prior to the hearing.
6. The accused, the complainant, or authorized representative of the accused student organization is offered the opportunity to have a supporter from the College community (i.e., currently enrolled student or current employee) to provide assistance and support during the formal hearing with the Disciplinary Board. The supporter shall not include professional lawyers or persons trained in the law. The student is responsible for contacting the supporter to obtain his/her approval to serve in this role. The student shall submit the supporter's contact information to the Director of Judicial Affairs. The supporter may a) attend the formal hearing with the student; b) advise the student during the formal hearing; and c) provide a brief character statement on behalf of the student at the beginning of the hearing. The supporter cannot a) investigate the Code of Conduct charges outside of the stated judicial procedures; b) present the student's case on behalf of the student; and c) question and respond to the Disciplinary Board or respondent(s) on behalf of the student during the formal hearing. The complainant, the accused student, or student organization is responsible for presenting his/her/its own case.
7. The hearing shall be closed to the public.
8. The Chair, or a member of the Disciplinary Board designated by the Chair to preside, shall have the right to determine the acceptability of testimony and other evidence during the hearing and may place time limitations on testimony and on closing arguments. Character witnesses may be called prior to the recommendation of sanction(s).
9. The accused and the complainant shall have the right to submit evidence and question all adverse witnesses who testify in the matter. If the Disciplinary Board elects to accept a witness's notarized written statement in lieu of live testimony, the identity of the witness and his or her statements shall be fully disclosed to the other side and they shall be given the opportunity to respond to such statements. Witnesses other than the complainant and the accused shall be present only when they are giving testimony. It is the student's responsibility to arrange for witnesses to attend the hearing. The student shall submit the witnesses contact information to the Director of Judicial Affairs.
10. In rare instances, the College may elect to present formally a case using legal counsel. If the College elects to present a case using legal counsel, the accused will be given notice of the decision and will also have the opportunity to be represented by legal counsel at the student's or student organization's own expense.
11. The hearing shall be recorded on equipment supplied by the College. Either the complainant or accused may make provisions for a stenographic report of the hearing by submitting a written request to the Director of Judicial Affairs. The report shall be made available to the complainant or accused not sooner than three College business days following the hearing.
12. Both sides shall be given reasonable opportunity to present a closing statement.
13. At the close of the hearing, the Disciplinary Board shall deliberate privately as to whether the appeal has merit. The Board will seek to reach consensus in adjudicating cases. In the event there is not consensus, a majority vote (the chair voting) will determine the outcome. Within five College working days after the close of the hearing, the Disciplinary Board shall report its findings in writing to the Director of Judicial Affairs.
14. Within five College business days from receipt of the Board's decision, the Director of Judicial Affairs will notify the student or student organization in writing of the outcome of the hearing and will also notify the student, if responsible, of the sanction(s) imposed.
15. The student or student organization has the option to accept the Disciplinary Board's decision or the appeal the Disciplinary Board's decision to the College President.

### **Appeal of the Disciplinary Board's Decision to the College President**

1. The accused student or student organization has the right to file a written appeal with the President within five College business days of the written notification of the disposition of the Disciplinary Board Hearing matter. The request should state the basis for the request and include all supporting documents.
2. A copy of the appeal must be submitted to the Director of Judicial Affairs. During the period of appeal, all sanctions will be postponed.
3. The written appeal will be considered if it includes at least one of the following:
  - a. The student demonstrates that there was a procedural defect in the adjudication of the case.
  - b. The student demonstrates that a sanction that was imposed was inappropriate for the violation of the Student Code that the student committed.
  - c. The student brings forth new evidence or other relevant facts that were not brought forward at the time of the Disciplinary Board hearing because they were not known to the student at the time of the hearing.
4. The President shall find the appeal to have merit or not have merit (e.g., to review or not review the decision).
  - a. If the appeal alleges that there was a defect in procedure or new evidence is presented and the President finds that there was a defect in the procedure or new evidence presented which was sufficiently substantial to have affected the outcome, the President will order a new hearing.
  - b. If the appeal alleges that the sanction was inappropriate and the President finds the sanction to be inappropriate, the President may increase or decrease the sanction.
5. The President will notify in writing the accused, the complainant, and the Director of Judicial Affairs of his or her decision within five College business days of his or her receipt of the appeal. If the President requires additional time, the Director of Judicial Affairs may extend the time limit. The extension shall be in writing and shall include the reason for the extension, and copies shall be forwarded to both the complainant and the accused.
6. The decision of the President to change a sanction or sustain the finding of the Disciplinary Board is final.
7. The result of any new hearing ordered by the President may be appealed only as detailed in this section. If a new hearing is ordered, the new hearing will be held before the original hearing authority.

## **MISCELLANEOUS**

### **A. Discipline Files and Records**

Disciplinary records and files are kept in the Office of Judicial Affairs. Disciplinary actions resulting in a finding of responsible are kept on file in the Office of Judicial Affairs for seven years from the last date of the incident. Disciplinary actions resulting in a finding of not responsible are kept on file in the Office of Judicial Affairs for one year from the date of the incident.

Notice of suspension or dismissal is kept permanently in the student's official College record maintained in the Registrar's Office. Notice of a permanent transcript notation appears on the student's official academic transcript maintained by the Registrar's Office. A student or an alumna/alumnus may request the permanent transcript notation be removed from the official academic transcript following three years from the date of the written notification of the disposition of the matter (see *Record Expunction*, below).

The Judicial Affairs Office may share disciplinary record information with institutions with which the student seeks or plans to enroll.

### **B. Confidentiality**

Disciplinary matters are kept confidential to the extent required by law.

### **C. Record Expunction**

1. A student or an alumna/alumnus may submit a written request to the Director of Judicial Affairs to have a permanent transcript notation removed from his/her official transcript following three years from the date of the written notification of the disposition of the matter. The Director of Judicial Affairs will convene the Disciplinary Board to review the appeal. The request should respond to the following and include all supporting documents: a) the educational and/or employment goals the individual has accomplished since the permanent transcript notation was imposed; b) the lifestyle and/or behavioral changes the individual has made since the permanent transcript notation was imposed; c) any future educational and/or employment goals the individual is pursuing; and d) any other rationale for removing the permanent transcript notation. The Disciplinary Board will seek to reach consensus in granting or denying the request. In the event there is not consensus, a majority vote (the chair voting) will determine the outcome. Within five College business days after the close of the meeting, the Disciplinary Board shall report its decision in writing to the Director of Judicial Affairs.
2. The Director of Judicial Affairs will notify the student or an alumna/alumnus in writing within five College business days upon notification of the Board's decision.
3. The student or an alumna/alumnus has the right to file a written appeal with the President within ten College business days of the written notification from the Director of Judicial Affairs.
4. The President will notify the student or an alumna/alumnus in writing of his/her decision. The decision of the President to remove or sustain the permanent transcript notation is final.

### **D. Refund Policy**

In the event of a suspension or dismissal, the College will follow the regular refund schedule outlined in the College Catalog.

The Student Code of Conduct shall be reviewed annually under the direction of the Director of Judicial Affairs. Regulations governing student conduct shall be approved by the Board of Trustees.

## **GRIEVANCE PROCEDURES**

### **I. Academic Grievances**

Finger Lakes Community College has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging prejudiced, capricious, or unfair academic appraisal (that is, assessment, evaluation, examination, judgment) or treatment.

Academic grievances must be submitted in writing to the Office of the Associate Vice President of Student Affairs, contain the name and address of the complainant (i.e., student), course number and title, name of instructor, and a description of the allegations of unfair appraisal or treatment. Complaints must be received by the Office of the Associate Vice President of Student Affairs no later than week four after the beginning of the subsequent semester following the occurrence (that is, complaints relating to courses taken during the spring semester or summer terms must be filed no later than week four after the beginning of the fall semester; complaints relating to courses taken during the fall semester or JanPlan must be filed no later than week four after the beginning of the spring semester). Deadlines for the submission of an academic grievance appear in the *Student Handbook and Academic Planner* and at <http://calendar.flcc.edu/calendar>. A waiver of the deadline must be requested in writing to the Associate Vice President of Student Affairs and cite the rationale for deferring the deadline. The Associate Vice President of Student Affairs will provide his or her decision in writing to the student within ten College business days of receipt of the request.

- A. Students charging a faculty member with prejudiced, capricious, or unfair academic appraisal (that is, assessment, evaluation, examination, and judgment) or treatment shall notify and discuss the complaint with the instructor without fear of reprisal.

- B. If the problem remains unresolved, the student shall notify and discuss the complaint to the appropriate department chair.
- C. At the department chair's discretion, a meeting may occur with the student, instructor, and department chair.
- D. If, upon completing the aforementioned steps, the complaint remains unresolved, the student may request a hearing before the Academic Grievance Board by submitting a formal written complaint to the Associate Vice President of Student Affairs. The Associate Vice President of Student Affairs or designee shall schedule a meeting with the student to discuss the merit(s) of the grievance.
- E. The student is offered the opportunity to have a supporter from the College community (i.e., currently enrolled student or current employee) to provide assistance and support prior to and during the hearing. The supporter shall not include professional lawyers or persons trained in the law. The student is responsible for contacting the supporter to obtain his/her approval to serve in this role. The student shall submit the supporter's contact information to the Associate Vice President of Student Affairs. The supporter may 1) advise the student on the merits of his/her grievance; 2) coach the student in fulfilling the informal grievance procedures; 3) review the student's formal written grievance prior to submission to the Associate Vice President of Student Affairs; and 4) attend the formal hearing with the student. The supporter cannot 1) accompany the student in fulfilling the informal grievance procedures; 2) investigate the complaint outside of the stated Academic Grievance Procedures; 3) write the student's formal grievance; and 4) question and respond to the Grievance Board or respondent(s) on behalf of the student during the formal hearing.
- F. The College Academic Grievance Board is composed of three faculty members and two matriculated students (appointed by the Director of Student Life) who have each completed a minimum of 24 credits at Finger Lakes Community College and are in good academic standing. The Chair of the Academic Grievance Board will be a member of the faculty and will be appointed by the Associate Vice President of Student Affairs.
- G. In the cases in which the student has made a timely request for a hearing before the Academic Grievance Board by submitting a formal written complaint that cites the basis for the charge(s) and includes all supporting documentation, the Associate Vice President of Student Affairs shall schedule the hearing. The Associate Vice President of Student Affairs will disseminate the formal written complaint to all parties associated with the grievance (i.e., Academic Grievance Board, instructor).
  - 1. The Associate Vice President of Student Affairs will recommend that the instructor respond in writing to the student's formal written complaint.
  - 2. A member of the Academic Grievance Board who is not presiding at the hearing may serve as a liaison to the grieved instructor for the purpose of reviewing the Academic Grievance Procedures only.
  - 3. The hearing shall commence not sooner than three College business days after the request for a hearing. When a complaint is received following the conclusion of the fall or spring semesters, the hearing will be scheduled to occur in the subsequent spring or fall semester. The student must be available at the scheduled hearing time to present his/her complaint. If the student is not punctual to the scheduled hearing, the hearing may not be rescheduled, and the Board Chair may rule in the instructor's favor.
  - 4. The hearing shall be closed to the public. The following individuals associated with the complaint shall attend the hearing: the student, the student's supporter (if appropriate), Academic Grievance Board, instructor, and hearing stenographer. The instructor may request the department chair attend the hearing.
  - 5. The Board Chair shall have the right to determine the acceptability of testimony and other evidence (that is, witnesses, written documentation) during the hearing and may place time

limitations on testimony and on closing arguments. It is the student's responsibility to arrange for witnesses to attend the hearing.

6. The student shall have the right to submit evidence and question the respondent who testifies in the matter. If the Academic Grievance Board elects to accept a witness's written notarized statement in lieu of live testimony, the identity of the witness and his or her statements shall be fully disclosed to the respondent and s/he shall be given the opportunity to respond to such statements. Witnesses other than the complainant and the respondent shall be present only when they are giving testimony.

7. The hearing shall be voice recorded on equipment supplied by the College, and a stenographer will attend the hearing. A transcript of the hearing will be provided to the student and/or instructor upon receipt of a written request to the Associate Vice President of Student Affairs. The report shall be made available to the student and/or instructor not sooner than three College business days following the hearing.

8. Both sides shall be given reasonable opportunity to present a closing statement.

H. At the close of the hearing, the Academic Grievance Board shall deliberate privately as to whether the complainant's charge has merit. The Board will seek to reach consensus in resolving cases. Within five College business days after the close of the hearing, the Academic Grievance Board shall report its findings to the Associate Vice President of Student Affairs. The Associate Vice President of Student Affairs will notify the student in writing of the Board's decision within five College business days upon notification of the Board's decision. If the Board finds the complainant's charge to have merit, the Board will provide a written recommendation of the action(s) to be taken.

I. If the student is not satisfied with the Academic Grievance Board outcome, s/he has the right to file a written appeal with the Vice President of Academic and Student Affairs within five College business days of the written notification of the disposition of the matter. The appeal should state the basis for the request and include all supporting documents. A copy of the appeal must be submitted to the Associate Vice President of Student Affairs.

J. The Vice President of Academic and Student Affairs will provide his or her decision in writing to the student within five College business days of receipt of the appeal.

K. The decision of the Vice President to sustain the finding of the Academic Grievance Board or change an action(s) is final.

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## **II. Discrimination Complaints**

Finger Lakes Community College has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging discrimination on the basis of age, color, disability, national origin, race, religion, creed, sex, sexual orientation, marital status, or veteran status. Complaints must be submitted in writing to the Office of the Associate Vice President of Student Affairs, contain the name and address of the complainant, and a description of the allegations of discrimination. Complaints must be received by the Office of the Associate Vice President of Student Affairs no later than four weeks after the beginning of the subsequent semester following the occurrence (that is, complaints relating to allegations of discrimination occurring during the spring semester or summer terms must be filed no later than four weeks after the beginning of the fall semester; complaints relating to allegations of discrimination occurring during the fall semester or JanPlan must be filed no later than four weeks after the beginning of the spring semester). A waiver of this deadline must be requested in writing to the Associate Vice President of Student Affairs and cite the rationale for deferring the deadline. The Associate Vice President of Student Affairs will provide his or her decision in writing to the student within ten College business days of receipt of the request.

- A. An investigation, as appropriate, shall be conducted by the Associate Vice President of Student Affairs and/or a designee following receipt of a discrimination complaint. This procedure contemplates informal but thorough investigations, affording all interested persons, including the complainant and the person(s) against whom the allegation(s) of discrimination have been made, and their respective representatives, if any, an opportunity to submit information and documentation regarding the complaint allegations.
- B. The investigation will be completed within a reasonable period of time. A written determination with respect to the results of the Associate Vice President of Student Affairs' investigation shall be issued and a copy forwarded to the complainant within 30 College business days of receipt of the complaint.
- C. The complainant shall be informed of the right to file a complaint with the appropriate state or federal agency. The right of a person to a prompt and equitable resolution of a submitted complaint shall not be impaired by the person's pursuit of other external remedies nor shall the use of this internal grievance procedure be a prerequisite to other external remedies.
- D. If the student is not satisfied with the determination of the Associate Vice President of Student Affairs, he or she has the right to file a written appeal with the President (or designee) within five College business days of the written notification of the determination. The appeal should state the basis for the request and include all supporting documents. A copy of the appeal must be submitted to the Associate Vice President of Student Affairs.
- E. The President will provide his or her decision in writing to the student within ten College business days of receipt of the appeal.
- F. The decision of the President to sustain the finding of the Associate Vice President of Student Affairs or change an action(s) is final.
- G. Retaliation against any person who files a complaint of discrimination, participates in an investigation, or opposes a discriminatory employment or educational practice or policy is prohibited under College policy and by state and federal law.

### **III. Sexual Harassment Complaints**

- A. The Federal Equal Employment Opportunity Commission has defined sexual harassment as: Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature, when:
  - 1. submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment; (The College interprets this statement to include a student's participation in academic courses, programs, or activities.)
  - 2. submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; (The College interprets this statement to include educational decisions affecting a student.)
  - 3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. (The College interprets this statement to include a student's educational experience or learning environment.)
- B. Examples of verbal or physical conduct prohibited by the College's policy include, but are not limited to:
  - 1. physical assault;
  - 2. direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
  - 3. a pattern of conduct that would or is intended to cause discomfort or humiliation or both that includes: comments of a sexual nature; sexually explicit statements, questions, jokes, or anecdotes; propositions of a sexual nature; subtle pressure for sexual activity; touching, patting,

hugging, brushing against a person's body; remarks about sexual activity, experience, or orientation; display of inappropriate sexually oriented material where others can see it; repeated or unwanted staring.

- C. Finger Lakes Community College has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging sexual harassment. Complaints must be submitted in writing to the Office of the Associate Vice President of Student Affairs, contain the name and address of the complainant, and a description of the allegations of sexual harassment.
1. A procedural review will be conducted by the Associate Vice President of Student Affairs and/or a designee with the complainant to review the charges, provide an explanation of the investigative process, discuss the student's options, and advise the student of potential sanctions to the alleged harasser.
  2. An investigation, as appropriate, shall be conducted by the Associate Vice President of Student Affairs and/or a designee following receipt of a sexual harassment complaint. This procedure contemplates informal but thorough investigations, affording all interested persons, including the complainant and the person(s) against whom the allegation(s) of harassment have been made, and their respective representatives, if any, an opportunity to submit information and documentation regarding the complaint allegations.
    - a. If the alleged harasser is a College employee, the individual's supervisor will be notified of the behavior and a request will be made to the alleged harasser for the behavior to be stopped immediately. The Human Resources Officer will be notified of the complaint. If the College employee continues to display offensive behavior, the Associate Vice President of Student Affairs will again notify the individual's supervisor, along with the Human Resources Officer.
      - i. The Associate Vice President of Student Affairs will evaluate a request for confidentiality in the context of his or her responsibility to provide a safe and nondiscriminatory environment for all students. Thus, the Associate Vice President of Student Affairs may not be able to honor a student's request that his or her name be withheld when disclosing the complaint to the Human Resources Officer, employee's supervisor, and alleged harasser.
      - ii. The factors to be considered relating to confidentiality of the complainant include the seriousness of the alleged harassment, the age of the student harassed, whether there have been other complaints or reports of harassment against the alleged harasser, and the rights of the accused individual to receive information about the complainant and the allegations.
      - iii. Because of the sensitive nature of incidents of harassment, it is important to limit or prevent public disclosure of the names of both the student who alleges the harassment and the name of the alleged harasser. The College will make every effort to prevent public disclosure of the names of all parties involved in a complaint, except to the extent necessary to carry out a thorough investigation.
    - b. If the alleged harasser is a current student or external community member, the Associate Vice President of Student Affairs will review the complaint under the Student Code of Conduct Policy and may notify the Campus Safety Office to request that an incident report be completed.
      - i. The Associate Vice President of Student Affairs will evaluate a request for confidentiality in the context of his or her responsibility to provide a safe and nondiscriminatory environment for all students. Thus, the Associate Vice President of Student Affairs may not be able to honor a student's request that his or her name be withheld when disclosing the complaint to the Human Resources Officer, employee's supervisor, and alleged harasser.
      - ii. The factors to be considered relating to confidentiality of the complainant include the seriousness of the alleged harassment, the age of the student harassed, whether there have been other complaints or reports of harassment against the alleged harasser, and the rights of the accused individual to receive information about the complainant and the allegations.
      - iii. Because of the sensitive nature of incidents of harassment, it is important to limit or prevent public disclosure of the names of both the student who alleges the harassment and the name of the alleged harasser. The College will make every effort to prevent public

disclosure of the names of all parties involved in a complaint, except to the extent necessary to carry out a thorough investigation.

3. The investigation will be completed within a reasonable period of time. A written determination with respect to the results of the Associate Vice President of Student Affairs' investigation shall be issued and a copy forwarded to the complainant within 30 College working days of receipt of the complaint.
4. The complainant shall be informed of the right to file a complaint with the appropriate state or federal agency (that is, the Office of Civil Rights and/or the Equal Employment Opportunity Commission). The right of a person to a prompt and equitable resolution of a submitted complaint shall not be impaired by the person's pursuit of other external remedies nor shall the use of this internal grievance procedure be a prerequisite to other external remedies.
5. If the student is not satisfied with the determination of the Associate Vice President of Student Affairs, he or she has the right to file a written appeal with the President (or designee) within five College business days of the written notification of the determination. The appeal should state the basis for the request and include all supporting documents. A copy of the appeal must be submitted to the Associate Vice President of Student Affairs.
6. The President will provide his or her decision in writing to the student within ten College business days of receipt of the appeal.
7. The decision of the President to sustain the finding of the Associate Vice President of Student Affairs or change an action(s) is final.
8. Retaliation against any person who files a complaint of sexual harassment or participates in an investigation is prohibited under College policy and by state and federal law.

#### **IV. All Other Complaints and Disputes**

All other complaints, charges, or disputes shall be presented to the Associate Vice President of Student Affairs no later than ten College business days after the occurrence. Except in unusual circumstances, all complaints, other than those specified above, must be submitted in writing to the Associate Vice President of Student Affairs, contain the name and address of the complainant, and a description of the allegations.

The Associate Vice President of Student Affairs may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved. If the charges cannot be disposed of by mutual consent, the Associate Vice President of Student Affairs may later serve in the same matter as the hearing officer.

#### **NOTES:**